

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

05-CR-6123L
07-CV-6495L

v.

REGINALD WILLIS,

Defendant.

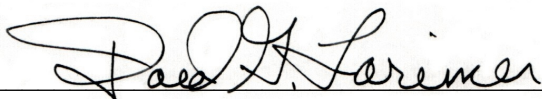
Defendant Reginald Willis (“Willis”) was sentenced after conviction by a jury to a total term of 138 months on September 20, 2007. Defendant timely appealed that judgment and the appeal is now pending.

On October 9, 2007, Willis filed a Petition for Collateral Relief under 28 U.S.C. § 2255, claiming ineffective assistance of trial counsel. Willis filed a similar motion prior to his sentence which the Court denied by Order entered June 14, 2007.

At the time of sentencing, and prior thereto, it was clear that Willis intended to raise the claim of ineffective-assistance-of-trial-counsel on appeal. Therefore, I decline to adjudicate the

merits of Willis's petition under § 2255 at this time. This Court will await the decision on Willis's direct appeal relative to that issue.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 11, 2007.